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Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

STEPHEN YUN-KEONG YAP, PT

10067 Thornbird Street  
Moreno Valley, CA 92557

Physical Therapist License No. PT 25764

Respondent.

Case No. 1D 2005 64257

OAH No. L2006010629

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical  
Therapy Board of California, Department of Consumer Affairs. He brought this action solely in  
his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the  
State of California, by Beneth A. Browne, Deputy Attorney General.

2. Respondent Stephen Yun-Keong Yap, PT (Respondent) is represented in  
this proceeding by attorney Fredrick Ray, whose address is 770 The City Drive, Suite 8100  
Orange, CA 92868-6927.

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1                   3.       On or about December 4, 2000, the Department of Consumer Affairs  
2 issued Physical Therapist License No. PT 25764 to Stephen Yun-Keong Yap, PT (Respondent).  
3 The License was in full force and effect at all times relevant to the charges brought in Accusation  
4 No. 1D 2005 64257 and will expire on July 31, 2006, unless renewed.

5   JURISDICTION

6                   4.       First Amended Accusation No. 1D 2005 64257 was filed before the  
7 Physical Therapy Board of California, Department of Consumer Affairs, and is currently pending  
8 against Respondent. The First Amended Accusation and all other statutorily required documents  
9 were properly served on Respondent on or before March 14, 2005. Respondent timely filed his  
10 Notice of Defense contesting the Accusation. A copy of the First Amended Accusation No. 1D  
11 2005 64257 is attached as exhibit A and incorporated herein by reference.

12   ADVISEMENT AND WAIVERS

13                   5.       Respondent has carefully read, fully discussed with counsel, and  
14 understands the charges and allegations in the First Amended Accusation No. 1D 2005 64257.  
15 Respondent has also carefully read, fully discussed with counsel, and understands the effects of  
16 this Stipulated Settlement and Disciplinary Order.

17                   6.       Respondent is fully aware of his legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the First Amended Accusation; the right to be  
19 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
20 against him; the right to present evidence and to testify on his own behalf; the right to the  
21 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
22 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
23 by the California Administrative Procedure Act and other applicable laws.

24                   7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
25 each and every right set forth above.

26   CULPABILITY

27                   8.       Respondent admits the truth of each and every charge and allegation in  
28 First Amended Accusation No. 1D 2005 64257.

9. Respondent agrees that his Physical Therapist License is subject to discipline and he agrees to be bound by the Physical Therapy Board of California's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Physical Therapy Board of California may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. PT 25764 issued to Respondent Stephen Yun-Keong Yap, PT (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. PSYCHIATRIC EVALUATION Within 30 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may be required by the Board or its designee, respondent shall undergo and complete a psychiatric evaluation (and psychological

1 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall  
2 consider any information provided by the Board or designee and any other information the  
3 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its  
4 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
5 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
6 psychiatric evaluations and psychological testing.

7           Respondent shall comply with all restrictions or conditions recommended by the  
8 evaluating psychiatrist within 15 calendar days after being notified by the Board or its designee.  
9 Failure to undergo and complete a psychiatric evaluation and psychological testing, or comply  
10 with the required additional conditions or restrictions, is a violation of probation.

11           2.     PSYCHOTHERAPY Within 60 calendar days of the effective date of this  
12 Decision, respondent shall submit to the Board or its designee for prior approval the name and  
13 qualifications of a board certified psychiatrist or a licensed psychologist who has a doctoral  
14 degree in psychology and at least five years of postgraduate experience in the diagnosis and  
15 treatment of emotional and mental disorders. Upon approval, respondent shall undergo  
16 psychotherapy treatment no less frequently than two times per month for a minimum of one year.  
17 Subject to those minimum requirements, respondent shall undergo and continue psychotherapy,  
18 including any modifications to the frequency of psychotherapy, until the Board or its designee  
19 deems that no further psychotherapy is necessary.

20           The psychotherapist shall consider any information provided by the Board or its  
21 designee and any other information the psychotherapist deems relevant and shall furnish a written  
22 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
23 psychotherapist any information and documents that the psychotherapist may deem pertinent.  
24 Respondent shall have the treating psychotherapist submit quarterly status reports to the Board or  
25 its designee. The Board or its designee may require respondent to undergo psychiatric  
26 evaluations by a Board-appointed board certified psychiatrist.

27           If, prior to the completion of probation, respondent is found to be mentally unfit to  
28 resume the practice of physical therapy without restrictions, the Board shall retain continuing

jurisdiction over respondent's license and the period of probation shall be extended until the Board determines that respondent is mentally fit to resume the practice of physical therapy without restrictions. Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

Failure to undergo and continue psychotherapy treatment, or comply with any required modification in the frequency of psychotherapy, is a violation of probation.

3. PROBATION MONITORING COSTS Respondent shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.

4. COST RECOVERY The respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$5,986. Said costs shall be reduced, however, and the remainder forgiven, if Respondent pays 75% of said costs, or \$4,489.50 within 60 days of the effective date of the Decision. In the event Respondent fails to pay within sixty (60) days of the Decision, the full amount of costs shall be immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon payment, may constitute a violation of the probation order. The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of attachment of earned wages legally available to the Board. Failure to fulfill the obligation could also result in attachment to the Department of Motor Vehicle registrations and/or license renewals.

5. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.

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1                   6.     COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
2 in compliance with any valid order of a court. Being found in contempt of any court order is a  
3 violation of probation.

4                   7.     COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
5 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
6 and shall be in compliance with any restitution ordered, payments or other orders.

7                   8.     QUARTERLY REPORTS Respondent shall submit quarterly  
8 declarations under penalty of perjury on forms provided by the Board, stating whether there has  
9 been compliance with all the conditions of probation.

10                  9.     PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
11 shall comply with the Board's probation monitoring program.

12                  10.    INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
13 shall appear in person for interviews with the Board, or its designee, upon request at various  
14 intervals.

15                  11.    NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The  
16 respondent shall notify all present or future employers of the reason for and the terms and  
17 conditions of the probation by providing a copy of the Stipulated Settlement and Disciplinary  
18 Order, First Amended Accusation, and Decision and Order, to the employer, and submit written  
19 employer confirmation of receipt to the Board within 10 days. The notification(s) shall include  
20 the name, address and phone number of the employer, and, if different, the name, address and  
21 phone number of the work location.

22                  12.    NOTIFICATION OF CHANGE OF NAME OR ADDRESS The  
23 respondent shall notify the Board, in writing, of any and all name and/or address changes within  
24 ten (10) days.

25                  13.    RESTRICTION OF PRACTICE - TEMPORARY SERVICES  
26 AGENCIES The respondent shall not work for a temporary services agency or registry.

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1                   14.     RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF  
2 PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL  
3 THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any  
4 physical therapy student interns or foreign educated physical therapist license applicants during  
5 the entire period of probation. Respondent shall terminate any such supervisory relationship in  
6 existence on the effective date of this probation.

7                   15.     PROHIBITED USE OF ALIASES Respondent may not use aliases and  
8 shall be prohibited from using any name which is not him legally-recognized name or based upon  
9 a legal change of name.

10                  16.     INTERMITTENT WORK If the respondent works less than 192 hours as  
11 a physical therapist or a physical therapist assistant in the physical therapy profession in a period  
12 of three months, those months shall not be counted toward satisfaction of the probationary  
13 period. The respondent shall notify the Board if he works less than 192 hours in a three month  
14 period.

15                  17.     TOLLING OF PROBATION The period of probation shall run only  
16 during the time respondent is practicing or performing physical therapy within California. If,  
17 during probation, respondent does not practice or perform within California, respondent is  
18 required to immediately notify the probation monitor in writing of the date that respondent is  
19 practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
20 performing physical therapy by the respondent in California prior to notification to the Board of  
21 the respondent's return will not be credited toward completion of probation. Any order for  
22 payment of cost recovery shall remain in effect whether or not probation is tolled.

23                  18.     VIOLATION OF PROBATION If respondent violates probation in any  
24 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
25 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
26 revoke probation is filed against respondent during probation, the Board shall have continuing  
27 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
28 is final.

1                   19.     REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT,  
2 HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent  
3 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
4 otherwise unable to satisfy the terms and conditions of probation, respondent may request to  
5 surrender his license to the Board. The Board reserves the right to evaluate the respondent's  
6 request and to exercise its discretion whether to grant the request or to take any other action  
7 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
8 tendered license, the terms and conditions of probation shall be tolled until such time as the  
9 license is no longer renewable, the respondent makes application for the renewal of the tendered  
10 license or makes application for a new license.

11                   20.     COMPLETION OF PROBATION Upon successful completion of  
12 probation, respondent's license shall be fully restored.

13                   21.     CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE  
14 LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF  
15 PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall  
16 take and pass the Board's written examination on the laws and regulations governing the practice  
17 of physical therapy in California. If respondent fails to pass the examination, respondent shall be  
18 suspended from the practice of physical therapy until a repeat examination has been successfully  
19 passed.

20                   22.     PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE  
21 ON PROBATION It is not contrary to the public interest for the respondent to practice and/or  
22 perform physical therapy under the probationary conditions specified in the disciplinary order.  
23 Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been  
24 disciplined, or that the respondent is on probation, shall be used as the sole basis for any third  
25 party payer to remove respondent from any list of approved providers.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Fredrick Ray. I understand the stipulation and the effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: April 25, 2006.

Original Signed By: \_\_\_\_\_  
STEPHEN YUN-KEONG YAP, PT (Respondent)  
Respondent

I have read and fully discussed with Respondent Stephen Yun-Keong Yap, PT the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: April 12, 2006.

Original Signed By: \_\_\_\_\_  
FREDRICK RAY  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California.

DATED: April \_\_, 2006.

BILL LOCKYER, Attorney General  
of the State of California

Original Signed By: \_\_\_\_\_  
BENETH A. BROWNE  
Deputy Attorney General  
  
Attorneys for Complainant

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**Exhibit A**

**First Amended Accusation No. 1D 2005 64257**

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

STEPHEN YUN-KEONG YAP, PT

10067 Thornbird Street  
Moreno Valley, CA 92557

Physical Therapist License No. PT 25764

Respondent.

Case No. 1D 2005 64257

OAH No. L2006010629

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, as its Decision in this matter.

This Decision shall become effective on September 7, 2006.

It is so ORDERED August 8, 2006

Original Signed By: \_\_\_\_\_  
Donald A. Chu, P.T., President  
Physical Therapy Board  
of California